In the High Court of Judicature for Rajasthan
Jaipur Bench
**

Cr. Msc. Appln. No.723/2006 in
Cr. Msc.Petition No.424/2000
MoolSingh ***Versus*** State
& Thakur Shiv Dan Singh.

**Date of Order ::: 11/12/07**

***Hon'ble Mr. Justice Ajay Rastogi***

Mr. G.Bardhar for applicant.
Mr. Arun Sharma, Public Prosecutor

Instant misc. application filed by legal heirs of deceased Mool Singh (petitioner) who had filed Cr.Msc.Pet.No.424/2000 against order dt. 28/04/1994 of Addl. Collector, Shahpura (Jaipur) passed in proceedings initiated U/s 133 CrPC has been upheld by Addl. Sess. Judge, Shahpura in Cr. Rev.8/99. Pendente Cr.Msc.Pet.No.424/2000, Mool Singh-petitioner & Thakur Shivdas Singh-respondent both died and after taking note of death certificate which came on record, this Court vide order dt.24/10/05 dismissed aforesaid misc. petition as it stood abated. Hence, application has been filed by legal heirs of Mool Singh for re-calling order of abatement.

Since petitioner & complainant both have expired; as such there was no error apparent on record while passing order sought to be re-called.

Consequently, misc. application is hereby dismissed. However, applicants will be free to avail of remedy, if so advised, available under law.

(**Ajay Rastogi), J.**